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Counsel for the Sitrin Group

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD S. BONDAR, as Trustee of the
Bondar Family Trust Dated 4/1/91, Individually
And On Behalf of All Others Similarly Situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION, BANC
OF AMERICA INVESTMENT SERVICES,
INC., and BANC OF AMERICA SECURITIES,
LLC,

Defendants.

Case No. CV-08-2599 (JSW)

**STIPULATION AND ~~PROPOSED~~
ORDER APPOINTING THE SITRIN
GROUP LEAD PLAINTIFF AND
APPROVING THE SITRIN GROUP'S
SELECTION OF COUNSEL**

1 WHEREAS Class Members the Charles T. Sitrin Network of Homes & Services, Inc. and the
2 Charles T. Sitrin Healthcare Center, Inc.; Alan Wofsy, Myrtle Street Flats LLC dba Sunrise Properties,
3 and Emeric-Goodman Associates LLC; and Dennis J. Pitocco (collectively, the "Sitrin Group") have
4 moved this Court for entry of order appointing them Lead Plaintiff pursuant to the Private Securities
5 Litigation Reform Act of 1995 ("PSLRA"), and approving their selection of Girard Gibbs LLP as Lead
6 Counsel for the Class. In its papers, the Sitrin Group claims a financial interest of \$10,800,000 in this
7 litigation;

8 WHEREAS Class members Hanoch Ben-Tal as trustee for the benefit of the Ben-Tal Family
9 Trust, and Aric A. Streit and Mary Streit, as Trustees for the benefit of the Streit Living Trust
10 (collectively, the "Ben-Tal Group") have moved this Court for entry of an order appointing them Lead
11 Plaintiff and approving their selection of Milberg LLP and the Law Offices of George Shohet as Co-
12 Lead Counsel for the Class. In its papers, the Ben-Tal Group claims a financial interest of \$6,850,000 in
13 this litigation;

14 WHEREAS the Ben-Tal Group and its counsel acknowledge that, among the movants for Lead
15 Plaintiff, the Sitrin Group has the largest financial interest in this litigation and should therefore be
16 appointed Lead Plaintiff pursuant to the PSLRA, subject to this Court's approval;

17 WHEREAS the Ben-Tal Group and its counsel also acknowledge that, pursuant to the PSLRA,
18 the Sitrin Group's selection of counsel should be appointed Lead Counsel for the Class, subject to this
19 Court's approval;

20 WHEREAS two actions similar to *Bondar*, namely *Bearman v. Bank of America Corporation et*
21 *al.* (08-CV-1115) and *Ben-Tal v. Bank of America Corporation et al.* (08-CV-4767), have been filed in
22 the Southern and Central Districts of California, respectively;

23 WHEREAS the Ben-Tal Group's counsel has agreed not to proceed with motions for lead
24 plaintiff in the *Bearman* and *Ben-Tal* actions;

25 WHEREAS this class action is subject to a pending Motion to Transfer for Coordination before
26 the Judicial Panel on Multi-District Litigation ("JPML") (*In re Auction Rate Securities (ARS) Marketing*
27 *Litigation*, MDL No. 1979);

1 WHEREAS the interested parties do not seek consolidation of the *Bondar, Ben-Tal* and *Bearman*
2 actions, and this stipulation and proposed Order therefore do not impact the Motion pending before the
3 JPML;

4 WHEREAS Defendants Bank Of America Corporation, Banc Of America Investment Services,
5 Inc. and Banc Of America Securities, LLC take no position with regard to any of the foregoing;

6 WHEREAS this stipulation is submitted with the understanding that appointment of Lead
7 Plaintiff and selection of Lead Plaintiff's Counsel is subject to the Court's approval, and this stipulation
8 is expressly conditioned thereon;

9 **THEREFORE IT IS HEREBY STIPULATED AND AGREED** by the parties, by and
10 through their undersigned counsel, that:

11 1. The Sitrin Group's Motion for Appointment as Lead Plaintiff and Approval of Selection Of
12 Counsel is **GRANTED**.

13 2. The Sitrin Group is hereby **APPOINTED** to serve as Lead Plaintiff in this action, pursuant
14 to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-
15 4(a)(3)(B), as amended by the PSLRA.

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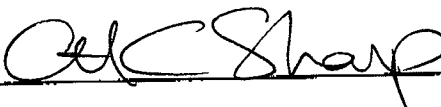
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1 3. The law firm of Girard Gibbs LLP is hereby **APPOINTED** to serve as Lead Counsel for
2 the Class in the above-captioned action, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15
3 U.S.C. § 78u-4(a)(3)(B), as amended by the PSLRA.

4
5 DATED: August 4, 2008

GIRARD GIBBS LLP

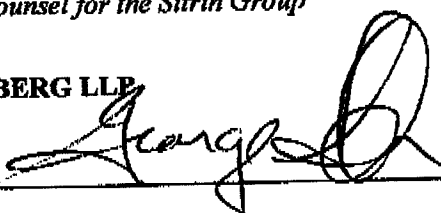
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Counsel for the Sitrin Group

13 DATED: August 4, 2008

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Counsel for the Ben-Tal Group

~~[PROPOSED]~~ ORDER

Having reviewed the above stipulation, IT IS HEREBY ORDERED that:

1. The Sitrin Group's Motion for Appointment as Lead Plaintiff and Approval of Selection Of Counsel is **GRANTED**.

2. The Sitrin Group is hereby **APPOINTED** to serve as Lead Plaintiff in this action, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the PSLRA.

3. The law firm of Girard Gibbs LLP is hereby **APPOINTED** to serve as Lead Counsel for the Class in the above-captioned action, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the PSLRA.

DATED: August 5, 2008



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE